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Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya

Letter dated 28 June 2011 from the Permanent Representative of Denmark to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Denmark to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) and has the honour to attach herewith its report on the concrete measures taken by the Government of Denmark pursuant to paragraphs 9, 10, 15, and 17 of resolution 1970 (2011) of 26 February 2011 (see annex).

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Annex to the letter dated 28 June 2011 from the Permanent Representative of Denmark to the United Nations addressed to the Chair of the Committee

Report by Denmark submitted pursuant to paragraph 25 of Security Council resolution 1970 (2011) of 26 February 2011 concerning the Libyan Arab Jamahiriya
June 2011

Implementation by Denmark of Security Council resolutions 1970 (2011) and 1973 (2011) concerning the Libyan Arab Jamahiriya

Denmark and the other member States of the European Union have jointly implemented the restrictive measures against Libya imposed under resolutions 1970 (2011) and 1973 (2011) by taking the following common measures:

- Council Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya, as amended by Council Decision 2011/178/CFSP of 23 March 2011, Council Implementing Decision 2011/236/CFSP, Council Implementing Decision 2011/300/CFSP and Council Implementing Decision 2011/345/CFSP set out the basis for European Union implementation of all the measures contained in resolutions 1970 (2011) and 1973 (2011), notably:
    - Embargo on arms and related materiel
    - Embargo on equipment which might be used for internal repression
    - Ban on provision of certain services
    - Prior information requirement on cargoes to and from Libya
    - Restrictions on admission of listed natural persons
    - Freezing of funds and economic resources of listed persons, entities and bodies
    - Prohibitions on granting certain claims to listed persons and entities and any other persons and entities in Libya, including the Government of Libya
    - Ban on flights in the airspace of Libya
    - Ban on flights of Libyan aircraft in the airspace of the European Union
    - Additional exceptions to the freezing of funds and economic resources
    - Vigilance requirement when doing business with Libyan entities;

Council Implementing Decision 2011/236/CFSP, Council Implementing Decision 2011/300/CFSP and Council Implementing Decision 2011/345/CFSP establish, for the purpose of the restrictions on admission and the assets freeze, the list of persons and entities in accordance with determinations made by the Sanctions Committee pursuant to paragraph 22 of resolution 1970 (2011) and persons and entities listed according to autonomous European Union decisions.

- Council Regulation (EU) No. 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya as amended by Council Regulation (EU) No. 296/2011 of 25 March 2011;
- Council Implementing Regulation (EU) No. 360/2011 of 12 April 2011;
- Council Implementing Regulation (EU) No. 502/2011 of 23 May 2011;
- Council Regulation (EU) No. 572/2011 of 16 June 2011.

Within the European Union member States, restrictions are implemented by Council Regulations. The Council Regulations are directly legally binding with respect to national implementation among European Union member States of the freezing of funds and economic resources of persons, entities and bodies as designated by the Sanctions Committee and of the prohibition of making funds or economic resources available to such persons, entities or bodies, with certain exemptions as provided for in resolution 1970 (2011).

The Council Regulations also implement, within the European Community, the embargo on equipment which might be used for internal repression, as well as the ban on flights in the airspace of Libya and flights of Libyan aircraft in the airspace of the European Union.

Denmark has the following national legislation requiring an authorization for the export of arms and related materiel to other countries than Denmark and an authorization for the provision of brokering services, which, together with Council Decision 2011/137/CFSP, provides the basis for enforcement of the arms embargo against Libya and the ban on related brokering services:

- Section 6 of the Danish Weapons Act prohibits, without a specific licence from the Minister of Justice or from the person authorized by the Minister to issue such a licence, the export of weapons of any kind, defence-related material and so forth. Section 6 applies to any situation where items are transferred from Denmark to another country, regardless of whether the transfer takes place in relation to export, transit, trans-shipment or re-export. Export licences shall not be issued to countries in violation of resolution 1970 (2011);
- Section 7 (a) of the Danish Weapons Act prohibits the transport of weapons of any kind, defence-related material and so forth between countries other than Denmark, when the recipient country is listed in the Government Order on Transportation of Weapons. The list includes all countries that are under an arms embargo of the United Nations, the European Union or the Organization for Security and Cooperation in Europe;
- Section 7 (b) (1) of the Danish Weapons Act similarly prohibits, without a specific licence from the Minister of Justice or from the person authorized by the Minister to issue such a licence, the negotiation or arrangement of transactions, as a broker, that involve the transfer of weapons and so forth, as defined in section 6, between countries outside the European Union. In addition, section 7 (b) (1), subparagraph (2) prohibits the purchase or sale of weapons and so forth, as defined in section 6, as part of a transfer between countries outside the European Union, or, as the owner of the weapons and so forth, the arrangement of such transfer; section 7 (b) (2) provides that the prohibition shall not apply to acts performed in another European Union

member State or to acts performed outside the European Union by persons with permanent residence outside Denmark.

- Violations of the above-mentioned rules are a criminal offence punishable by fine or imprisonment, as provided for in the Danish Weapons Act, section 10, and under aggravating circumstances, section 192 (a) of the Danish Penal Code.

Council Regulation (EC) No. 539/2001 and its subsequent amendments require nationals of Libya to be in possession of a visa when entering the European Union.

As regards restrictions on admission (visa ban), Denmark has the following national legislation, which, together with Council Decision 2011/137/CFSP, Council Decision 2011/178/CFSP, Council Implementing Decision 2011/236/CFSP, Council Implementing Decision 2011/300/CFSP and Council Implementing Decision 2011/345/CFSP, provides the basis for refusal of admission and denial of requests for a visa:

- The Danish Aliens Act empowers the competent Danish authorities to impose entry and transit restrictions on persons designated by the Sanctions Committee. The necessary instructions will be issued immediately after the designation of such persons.

Ministry for Foreign Affairs of Denmark
June 2011